



NEVADA CASINO DEALERS ASSOCIATION

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EX151

FACSIMILE TRANSMITTAL SHEET

TO: Suzanne SHERMAN DATE: 11-28-94ORGANIZATION: Dep. of LaborFACSIMILE NUMBER: (202) 212-7147

TELEPHONE NUMBER: () _____

TOTAL NUMBER OF PAGES TO FOLLOW, INCLUDING THIS PAGE: 11COMMENTS: OSHA-Testimony

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SENDER'S NAME: NCDA-Tony BadilloSENDER'S TELEPHONE NUMBER: (702) 699-5656

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NEVADA CASINO DEALERS ASSOCIATION
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LAS VEGAS, NV 89109
(702) 699-5656
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Ms. Susan Sherman, Atty.
Department of Labor
Rm. S-4004
Washington, D.C. 20210

November 28, 1994

Dear Ms. Sherman,

We regret that our Nevada Casino Dealers Association representative will not be attending the OSHA hearing due to an emergency today.

If you please, we are sending you via overnight delivery, information and testaments of workers in our industry and on behalf of NCDA to be read and considered.

Workers on the casino floor have no protection from hazardous smoke, especially the Dealers on the table games. There is no known plan to find a solution to clean the air or reduce the risk at our work stations.

We also call to your attention, statements of Mr. Wayne Mehl, Representative of the Nevada Resort Association, who alluded there were no complaints from Nevada Casino employees. We believe you will hear similar statements from Nevada officials.

There have been many complaints. Our office alone, has received several.

We thank you for this opportunity to be heard and hope Nevada Casino Employees will be given every consideration to work in a smoke-free environment.

Very sincerely,

Tony Badillo, President

P.S. One very successful casino exists in Las Vegas: "Silver City"
(smoke-free)

cc: Tony Batt/Donrey Washington Bureau
Dave Palermo/Las Vegas Review Journal



October 8, 1994

Dear NASHA,

I've been a dealer for two years. I love the camaraderie with my players and even the game of blackjack itself. However, I intend to change professions because I can't stand the cigarette smoke from American cigarettes. French cigarettes don't bother me - fewer chemicals.

I work in an enlightened casino, the owner of which hates cigarette smoke. I have the privilege of being able to politely ask my players to move their cigarette, if the smoke is drifting directly at me. Most players graciously accommodate that request.

However, when I first enter the casino each afternoon, I am clobbered with the stench of the ambient smoke. After work, I am amazed at smokey smell of my work clothes. I dare not imagine what my lungs look like. Hydrogen Cyanide, one of thousands of cigarette smoke's components, is used administer the death penalty in California. Carbon Monoxide destroys red blood cells.

I will not be able to wait until 1996 for your new rules to be put into effect - I will have to move on - but for the other thousands of casino workers, I hope they get a breath of fresh air.

Thank you,
Glen Lee
GLEN LEE

November 21, 1994

To Whom It May Concern: OSHA

I'm writing this letter in hopes that one day I will no longer have to work in a smoking environment. I have worked as a blackjack dealer for over 17 years and have had to deal with second hand smoke. The lack of concern on the part of the casinos has never ceased to amaze me. I would think that the health care costs each year would make them stop to think. They are "untouchable", as far as lawsuits go. No lawyer will take on a suit involving casinos, so we don't have a leg to stand on.

I recently fought a battle with breast cancer. My present job, at the Treasure Island, is my first job since my illness. In the beginning, my pit boss was sympathetic with me and made sure I was on a non-smoking table every day, however I have a different pit boss now and she smokes and couldn't care less about me. People who smoke have no tolerance or understanding of people who don't smoke and the problems we have with it. I feel that it's an infringement of my rights. I have to breath someones horrible habit. I don't force my habits on anyone else, but I am forced to smoke. My cancer cost me around \$45,000 and I now spend a great deal of money, time and energy trying to keep myself healthy and to prevent it from coming back, yet I feel like I'm wasting my efforts when I have to breath smoke for 8 hours a day. It makes me sick to my stomach and gives me a headache. I wrote a letter to the Treasure Island about my concerns, but didn't receive a response. The general attitude of the casinos is "if you don't like it, you know where the front door is". There is always someone to take your place if you should fall dead on your game.

It has been a small dream of mine all these years that perhaps one day, people wouldn't be allowed to smoke in public.

It's a filthy, nasty habit that is forced on people who don't want to smoke and it's time it stopped. After all the tests that prove second hand smoke is harmful, why hasn't it been stopped? Is the almighty dollar really worth it? Why doesn't someone take a poll of all the dealers in Nevada and see how many complain that smoke is tops on their list and would rather deal on a non-smoking table? Even dealers who smoke say it gets to them, too. If restaurants, airlines, and other public places can complain and get results, why can't casino workers? Thank you for reading my letter. Hopefully, my dream will come true, and a lot of lives will be saved.

Sincerely,

Marguerite Velasco
2108 Storkspur Way
Las Vegas, NV 89117

10-25-94

1

At Treasure Island, Steve Lynn likes a smokefree environment for all employees. He allows all 4,000 employees in the hotel, to smoke in the one room, or outside the employees entrance. A few weeks ago, in our weekly newsletter stated for any employees that want to quit smoking. The hotel are offering help. But yet, dealers have to put up with customers that blow smoke at our face constantly. It seems like, it always goes to my face. I even tried to fan off this cloud of smoke

2-

2

That was around
~~at~~ my face & my pit boss (Kathy)

Talked to me later & Told me

not to do That. I responded

by saying That I couldn't

Breath it any longer. She said,

for me to Take some Time off

& get it out of your system. I said,

what good would That do. Once I'm

back to work, it starts again.

She said, Oh That's True

I personally like to beat

3-

3

such customers, because of the smoke affecting me in a very unhealthy way.

I personally wrote to Mark Schorn (President) about having a non-smoking pit. The response that I got back was, basically, that smoking pit make more money. It is so hypocritical of them, how they want a non-smoking environment for the employees, but yet it's blown at the dealers daily.

4

4

I personally, along with many dealers feel that our health is definitely affected by this. There is times that I want to just walk out, because the smoke affects me so badly. There is other times where I've been told, by another of my Pit boss (Liz) that Joe Wilcox ^(Charge of Gaming) is a smoker so don't make any waves, you'll lose. IT'S like fighting City Hall.
~~Conrad Perolita~~

LV leads nation in smokers, cancer rates

By Bob Shemelgian

LAS VEGAS SUN

The nation's highest incidence of lung cancer is not among West Virginia coal miners. It's not among factory workers in Pittsburgh, Pa., where huge smoke stacks tower overhead.

It's right here in Clark County, says University Medical Center oncologist John Ellerton.

"We have the most smokers," Ellerton said. "We have the retired population, the military, the casino workers and the 24-hour lifestyle. Unfortunately, cigarette smoking is common here."

The sad result, Ellerton said, is daily diagnoses of lung cancer. Often the prognosis is fatal. Ellerton said only one in 20 are cured of lung cancer.

Today, oncologists believe 50 percent of all cancers are related to smoking. These include cancer of the lungs, throat, mouth, stomach and bladder.

"Besides nicotine and tar, cigarettes include many toxic chemicals that aren't even allowed in the work place," Ellerton said.

"We hear all this talk about cancers related to certain chemicals such as Agent Orange, but we always ask whether the patient smoked. We hear about new outbreaks of particular types of cancer, but we don't see many cases. What we do see are smokers coming in and being diagnosed with lung cancer."

Recent research has shown that smoking marijuana is even more dangerous than smoking cigarettes, Ellerton said.

"The damage to the lungs is caused by contaminants in the smoke and by the increased temperature, and marijuana smoke is generally much hotter than cigarette smoke."

Ironically, lung cancer, among the most fatal of cancers, is also among the most preventable.

"Just don't smoke," Ellerton said. "In Great Britain cigarettes carry a simple warning: Most doctors don't smoke."

Smoking

Tuesday, October 25, 1994/Las Vegas Review-Journal/3A

from 1A

kult.

"They feel that if there is going to be any government requirement in this area, then OSHA ought to learn something about casino resorts," he said. "Their fear is that you guys have gone out and surveyed what needs to be done in an office building and come back and said we're going to do this everywhere."

If the rule is going to be implemented, it should be done on an industry-by-industry basis, Mehl said, and the gaming industry's legal advisers believe OSHA must demonstrate the rule will not be unduly burdensome.

But the OSHA panel seemed more interested in finding out what the gaming industry is doing to ensure indoor air quality for its workers. Following 15

minutes of testimony, Mehl answered questions for almost an hour.

Susan Sherman of OSHA asked Mehl if the industry has a policy for handling complaints by workers exposed to second-hand smoke. Mehl said he did not know but would find out and get back to her.

"I would like to know how the industry responds to these people," Sherman said.

Sherman said she also would like to know if the resort association has done any surveys of its members regarding what they are doing about indoor air quality, the types of ventilation they use and the cost of replacing them.

Mehl also answered questions from the audience. Anne Morrow Donley of the Virginia-based

Group to Alleviate Smoking in Public, or GASP, and Rex Fingle of the AFL-CIO, told Mehl they were surprised he did not know if casinos have any outreach program for employees who might have complained about second-hand smoke.

Mehl replied he represents the resort association on a number of issues. He said he would find out if an outreach program exists and relay the information to OSHA, a division of the Department of Labor.

Monday's hearing was one of a series OSHA is conducting on the anti-smoking rule, proposed in March by Labor Secretary Robert Reich. The rule can be implemented by the agency without approval from Congress. A final rule will not be issued until next year, and companies will be given a year to comply.

Proposed smoking ban rapped

□ A gaming lobbyist tells federal regulators that a plan to prohibit smoking won't work for casinos.

By Tony Barr

Donrey Washington Bureau

WASHINGTON — Proposed federal regulations that could force casinos to ban smoking do not take into consideration the unique nature of the resort industry, a gaming lobbyist told regulators on Monday.

The Occupational Safety and Health Administration plan, which would prohibit smoking in the work place and force businesses to designate separate areas for smoking, will not work in casinos, said Wayne Mehl, a lobbyist for the Nevada Resort Association.

"Casino resorts are not stuffy office buildings with poor ventilation," Mehl told an OSHA panel at a hearing Monday at the Department of Labor.

Enclosed smoking rooms for casino customers would not be possible, Mehl said, because Nevada law requires employees to supervise all gaming operations, and the proposed federal rule would not permit workers to enter rooms where patrons are smoking.

The alternative is to ban smoking, and that would have a devastating economic impact on casinos, Mehl said. He cited an informal casino study showing 70 percent of customers smoke while gambling. He also said the rule would put Nevada casinos at a competitive disadvantage with foreign casinos not covered by the rule.

"Phrases like competitive disadvantage ... a lot of that sounds very similar to arguments that ran through your industry in the '70s regarding retrofitting for fire sprinkling and things like that," said Lee Hathon of the OSHA panel.

Mehl responded that the main concern of casinos is not the cost of retrofitting. Instead, the industry wants to know how the rule would be enforced even if separate smoking facilities are

Please see SMOKING/3A